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| 10/720,892 | 11/24/2003 | Donna K. Hodges | BS030356 | 5145 |

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| EXAMINER |
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NELSON, FREDA ANN

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| ART UNIT | PAPER NUMBER |
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3628

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01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/720,892

Applicant(s)

HODGES ET AL.

Examiner

Freda A. Nelson

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment received on October 22, 2007 is acknowledged and entered. Claim 12-13, 15, and 21-23 have been amended. Claim 1 has been canceled. No claims have been added. Claims 2-23 are currently pending.

Response to Amendments and Arguments

Applicant's arguments filed October 22, 2007 have been fully considered but they are not persuasive.

In response to applicant's arguments that in regards to claims 12-13, 15, and 21-23, Tiedemann with Guilford does not disclose negotiating at the user's client device, with other service providers of other communications networks to fulfill the request for communications service, the examiner asserts that Patel et al. discloses Patel et al. discloses Internet gateway for brokering and negotiating wireless transmission resources between users and service providers. In particular, a web site is provided at which consumers may specify a location, time, bandwidth, type of service and/or pricing of desired services and submit request for services. In this way, consumers may easily request and negotiate with network providers, service providers and bandwidth brokers for wireless services (col. 2, line 53-col. 3, lines 7).

The indicated allowability of claims 12-13 were withdrawn in the last office action in view of the newly discovered reference(s) to Tiedemann (US 5,862,471), Guilford (US PG Pub. 2002/0087674), and Daniels (US Patent Number 6,058,301).

Examiner Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 5-12, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. et. al (US Patent Number 5,862,471), in view of Patel et al. (US Patent Number 7,043,225), still in further view of Guilford et al. (US PG Pub. 2002/0087674).

As per claim 10-12, 15, 19-20, and 23, Tiedemann, Jr. et al. disclose a method, computer program product, and system for providing communications services, comprising the steps of:

receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service communicated via a communications network to a service provider (abstract); and

negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service (abstract).

Tiedemann, Jr. does not expressly disclose negotiating at the user's client device; and accessing a segmentation profile stored in memory, the segmentation profile containing user preferences for presenting billing charges from the other service providers of the other communications networks.

However Patel et al. discloses Internet gateway for brokering and negotiating wireless transmission resources between users and service providers. In particular, a web site is provided at which consumers may specify a location, time, bandwidth, type of service and/or pricing of desired services and submit request for services. In this way, consumers may easily request and negotiate with network providers, service providers and bandwidth brokers for wireless services (col. 2, line 53-col. 3, lines 7).

Guilford et al. disclose the wireless device using a table such as a routing table when in its home service area and in this aspect of the invention, the table downloaded

to the wireless device includes various services within the home service provider portfolio of platforms offered and services offered by different network service providers operating within the same footprint as the home service provider (paragraphs [0022]-[0023], FIGS 7B)

Guilford et al. do not expressly disclose that the segmentation profile contains preferences for presenting billing charges from another service provider of another communications network; communicating a single billing statement from a single service provider, the single billing statement aggregating billing charges between the other service providers of the other communications networks; and billing a credit card for the aggregated charges. However, it is old and well known in the business art to provide users of communications services the flexibility of selecting a billing preference, such as, credit card/debit card or billing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et al. and Guilford et al. to include the feature of billing preferences to provide the users with the convenience of selecting how they want to be billed.

As per claim 5, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of billing the user for the communications service (col. 2, lines 46-49) .

As per claims 6-8, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of aggregating billing charges between the other service providers of the other communications networks (col. 2, lines 46-49).

As per claim 9, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of providing the requested communications service (col. 2, lines 28-33).

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. et al (US Patent Number 5,862,471), in view of Patel et al. (US Patent Number 7,043,225), still in further view of Daniels (US Patent Number 6,058,301).

As per claim 2, Tiedemann, Jr. et al. do not disclose a method according to claim 1, further comprising the step of extending trust-based credit to the user based upon at least one of the user's payment history, the user's usage history, and the user's credit history.

However, Daniels discloses that still other subscribers may be frequent roamers with an established credit history and thus can be allowed to roam everywhere in North America, without the need for additional authentication. Less frequent roaming subscribers may be allowed to roam in specific service areas across North America (col. 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et al to include the feature of Daniels in order to reduce the credit risk for the providers.

As per claims 3-4, Tiedemann et al. do not disclose a method according to claim 2, wherein the step of extending trust-based credit to the user comprises linearly

predicting the user will pay for the requested communications service based upon at least one of the user's payment history, the user's usage history, and the user's credit history.

However, Daniels discloses that still other subscribers may be frequent roamers with an established credit history and thus can be allowed to roam everywhere in North America, without the need for additional authentication. Less frequent roaming subscribers may be allowed to roam in specific service areas across North America (col. 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et. al to include the feature of Daniels in order to reduce the credit risk for the providers.

3. Claims 13-14, 17-18, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiedemann, Jr. et. al (US Patent Number 5,862,471), in view of Patel et al. (US Patent Number 7,043,225).

As per claim 13-14 and 21-22, Tiedemann, Jr. et al. discloses a method of and computer program product for providing communications services, comprising the steps of: receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service communicated via a communications network to a service provider (abstract).

Tiedemann, Jr. does not expressly disclose negotiating at the user's client device with other service providers of other communications networks to fulfill the request for communications service.

However, Patel et al. discloses Internet gateway for brokering and negotiating wireless transmission resources between users and service providers. In particular, a web site is provided at which consumers may specify a location, time, bandwidth, type of service and/or pricing of desired services and submit request for services. In this way, consumers may easily request and negotiate with network providers, service providers and bandwidth brokers for wireless services (col. 2, line 53-col. 3, lines 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et al. and Guilford et al. to include the feature of billing preferences to provide the users with the convenience of selecting how they want to be billed.

As per claim 17, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of billing the user for the communications service (col. 2, lines 46-49) .

As per claim 18, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of aggregating billing charges between the other service providers of the other communications networks (col. 2, lines 46-49).

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. et. al (US Patent Number 5,862,471), in view of Patel et al. (US Patent Number 7,043,225), still in further view of Guilford et al. (US PG Pub. 2002/0087674, still in further view of Daniels (US Patent Number 6,058,301).

As per claim 16, Tiedemann, Jr. et al. do not disclose a method according to claim 1, further comprising the step of extending trust-based credit to the user based upon at least one of the user's payment history, the user's usage history, and the user's credit history.

However, Daniels discloses that still other subscribers may be frequent roamers with an established credit history and thus can be allowed to roam everywhere in North America, without the need for additional authentication. Less frequent roaming subscribers may be allowed to roam in specific service areas across North America (col. 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et. al to include the feature of Guilford et al. and Daniels in order to reduce the credit risk for the service providers.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM -6:30 PM.

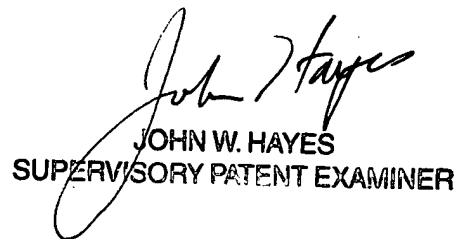
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/720,892
Art Unit: 3628

Page 11

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 12/27/2007

A handwritten signature in cursive script, appearing to read "Freda Nelson".A handwritten signature in cursive script, appearing to read "John W. Hayes".

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER